

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1106

IN THE MATTER OF:

Served December 1, 1970

Application of Alexandria, )  
Barcroft and Washington )  
Transit Company for Authority )  
to Increase Fares )

Application No. 638

Docket No. 221

On December 1, 1970, Mr. Joseph S. Dunn filed an application for reconsideration of our Order No. 1101, which granted certain rate increases to the A. B. & W. Transit Company.

Mr. Dunn's application is confined to one narrow point. Paragraph Nos. 5 and 6 of Order Number 1101 directed A. B. & W. to survey interstate senior citizen ridership patterns and submit a plan for an interstate senior citizen fare. Mr. Dunn takes exception to our limitation of these provisions to interstate fares. He asks that the directives in question be made applicable to all riders and fares of A. B. & W., including intra-Virginia fares.

We find no basis in Mr. Dunn's application for modification of this provision of our order. We have, in fact, exercised our power in this case to the fullest extent possible in connection with the issue of senior citizen fares. Section 1(b) of Article XII of the Washington Metropolitan Area Transit Regulation Compact provides as follows:

"1. (b) The provisions of this Title II shall not apply to transportation as specified in this section solely within the Commonwealth of Virginia and to the activities of persons engaged in such transportation, nor shall any provision of this Title II be construed to infringe the exercise of any power or the discharge of any duties conferred or imposed upon the State Corporation Commission of the Commonwealth of Virginia by the Virginia Constitution."

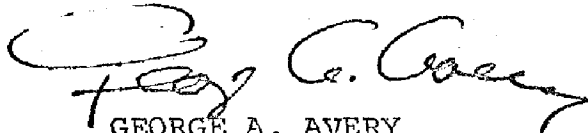
Thus, it is perfectly clear that this Commission has no power with regard to intra-Virginia fares. That power is vested in the State Corporation Commission of Virginia.

The interstate limitation in Paragraph Nos. 5 and 6 of Order No. 1101 was simply a recognition of the limits imposed upon our jurisdiction by the Compact. No such limitations exist in the case of intra-Maryland fares. Hence, similar provisions were not necessary in Order No. 1049 relating to WMA Transit Company or Order No. 1052 relating to D. C. Transit System, Inc. While we did not specifically recognize this limitation in Order No. 1037 relating to W.V.&M. Coach Company, Inc., it did, of necessity, underlie our directives in that order. It was necessary to make it explicit here because of the specific problems raised in the dissenting opinion of Commissioner Hooker.

It is clear, therefore, that we have exercised our power with regard to senior citizen fares to the maximum extent possible under the Compact. We cannot extend the provisions of that order to intra-Virginia fares, as suggested by Mr. Dunn. Hence, his application for reconsideration must be denied.

THEREFORE, IT IS ORDERED that the application for reconsideration of WMATC Order No. 1101, filed by Joseph S. Dunn on December 1, 1970, be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in dark ink, appearing to read "George A. Avery", is written over a horizontal line.

GEORGE A. AVERY  
Chairman